

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x
In Re:

Chapter 11
Case No.: 19-46432- CEC

KUM GANG INC.,

Debtor.

-----x

JI SUNG YOO, hereby declares the truth of the following under 28 USC § 1746, under penalty of perjury:

1. I am the principal owner and President of Kum Gang, Inc., the above -referenced Debtor. I submit this Declaration in opposition to the motion by Kit Realty, Inc. for relief from the automatic stay.

2. Since July 2004, the Debtor has operated the premises as a restaurant, a banquet hall and catering business, operating under the name of “Kum Gang San.” The business operates on a 24/7 basis, and specializes in Korean cuisine.

The Lease

3. Prior to commencing operations, the Debtor, on or about July 1, 2004, entered into a lease with the landlord, Kit Realty, Inc. (“the Landlord”) for the premises located at 138-18/32 Northern Blvd., Flushing, Queens, New York. The lease was for a twenty (20) year term, and is due to expire on June 30, 2024. A copy of said Lease is attached as Exhibit 3 (Doc. 3-4 and Doc 3-5) to the Landlord’s motion papers, filed on October 28, 2019.

4. Of particular relevance is paragraph 82 of the Rider to the Lease, entitled “Right of First Refusal,” which provides, in relevant part:

The Landlord agrees that in the event the premises are offered for sale and a “Bona Fide” offer acceptable to the Landlord is obtained to purchase the subject premises then the Landlord shall give the Tenant the opportunity to purchase the premises upon the same terms and conditions as the “Bona Fide” offer, In such event Tenant shall be given Ten (10) days to accept the terms from the date Landlord serves notice upon him. Should the

Tenant accept the Terms of said offer the Landlord shall deliver a Contract, within Seven (7) days of such acceptance, to the Tenant, which contract will be prepared by the Attorney for the Landlord, and substantially similar to the terms of the “Bona Fide Offer”. (See Exhibit A)

The Civil Court Proceedings

5. On or about January 25, 2018, the Landlord filed a Notice of Petition in the Civil Court of the City of New York, Queens County (Index No. 52603/2018), seeking a final judgment of eviction against the Debtor for alleged non-payment of certain summons issued by the New York City Fire Dept. (FDNY”) and Health Department. Debtor answered this Petition, and attached nine (9) exhibits to its Verified Answer documenting that the violations that led to the issuance of numerous summons against the Landlord and the Debtor had been cured and were awaiting final inspection and clearance by the FDNY and the Health Dept. A copy of said Verified Answer with exhibits A through I is attached hereto as Exhibit B.

6. In addition, Debtor’s prior attorney, Kenneth F. McCallion, submitted an Affirmation, dated March 21, 2018, that had attached to it a letter to the New York City Fire Dept., dated February 27, 2018, with notarized Certificates of Correction with regard to the outstanding FDNY violations. A copy of said Affirmation (without Certificates of Correction) is attached hereto as Exhibit C.

Negotiations Regarding Sale of Building and Landlord’s Tortious Interference With Contract

7. For approximately the past two year period, I have been kept informed by Mirae Realty, the Landlord’s broker, as to the Landlord’s efforts to sell the Building and Property located at 138-28 Northern Boulevard, Queens, New York, where Debtor’s business is located. Approximately six months ago, the broker advised me that the Landlord had reached an agreement with a buyer to sell the property for \$52 million, but that the Landlord was delaying

the signing of a contract for the sale because the Landlord did not want to give the Debtor the “right of first refusal” under the lease to buy the property at the same price (\$52 million) that the Landlord had agreed to sell it to the bona fide buyer.

8. At about the same time that the broker informed me of the Landlord’s agreement to sell the property for \$52 million, I was approached by Jerry D.H. Li, President of FUNDPRO Inc., and after some negotiations, I agreed, on behalf of the Debtor, to sell the Debtor’s lease rights to the buyer of the property for \$4 million, with FUNDPRO to receive a 25% commission, leaving the Debtor with a net of \$3 million (“the Agreement”). A copy of the Agreement, dated July 30, 2019, is attached hereto as **Exhibit D**.

9. Upon information and belief, the Landlord has tortuously interfered with Debtor’s contractual rights under the Agreement by refusing to sign the contract of sale with the buyer of the property for the sole purpose of denying Debtor its right to exercise its “right of first refusal” under the Lease, which would trigger its rights to receive the net \$3 million in funds under the Agreement.

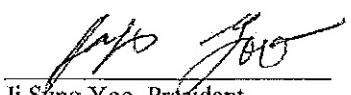
10. In addition to interfering with the Debtor’s rights under the Agreement, the Landlord is also acting in bad faith by delaying the signing of the sales contract for the property and thereby triggering the Debtor’s right of first refusal under the Lease. I have a letter of intent with an investor to provide the funding necessary to match the current \$52 million sales price for the property that the Landlord has agreed to with the buyer, and on behalf of the Debtor, I am prepared to exercise Debtor’s right of first refusal in the unlikely event that the Debtor’s lease rights are not sold pursuant to the terms of the Agreement with FUNDPRO. This investor has also agreed to make an equity investment of \$1.5 million in Debtor’s business, which would be sufficient to fund a successful Chapter 11 reorganization of the business.

11. Additionally, the Debtor is willing to pay rent to the Landlord in the amount of \$65,974 per month in accordance with the lease, while the case is pending.

WHEREFORE, the Debtor respectfully requests that this Court deny the Landlord's motion to vacate or modify the automatic stay, and granting such other and further relief as this Court deems just and proper.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: Queens, New York
November 13, 2019



Ji Sung Yoo, President
Kum Gang, Inc.
Debtor-in-Possession

Exhibit A

It is further understood that this is a "Triple Net Lease" and the Tenant is responsible for all expenses or cost of any nature whatsoever during the Term of this Lease and the Lease dated the 28th day of January 1994.

The Lease is further made subject to any and all Tenancies and the Landlord makes no representations in connection thereto.

81. ASSESSMENT REVIEW

Tenant agrees to be responsible for the yearly filing of an application for the reduction of assessed value on the demised premises and or petitions for certiorari. Tenant shall be obligated for all cost, including legal fees, and disbursements with respect to the yearly filing of proceedings.

82. RIGHT OF FIRST REFUSAL

During the term of this Lease and provided the Tenant is not in default of the terms and conditions of this Lease the Tenant is given the "Right of First Refusal" to purchase the demised premises. The Landlord agrees that in the event the premises are offered for sale and a "Bona Fide" offer acceptable to the Landlord is obtained to purchase the subject premises then the Landlord shall give the Tenant the opportunity to purchase the premises upon the same terms and conditions as the "Bona Fide" offer. In such event Tenant shall be given Ten (10) days to accept the terms from the date Landlord serves notice upon him. Should the Tenant accept the Terms of said offer the Landlord shall deliver a Contract, within Seven (7) days of such acceptance, to the Tenant, which contract will be prepared by the Attorney for the Landlord, and substantially similar to the terms of the "Bona Fide Offer". Should the Tenant refuse to accept the option to Purchase as set forth above or refuse to sign and return the Contract within 7 days of delivery to the Tenant or fail to notify Landlord of his acceptance within 10 days of Landlord's notice to it, then the Tenant's "Right of First Refusal" shall terminate and be of no further force and effect for the remaining term of the Lease.

Notice under the above shall be by certified mail return receipt requested or by overnight delivery service. Tenant's time to respond under this provision shall be considered "Time of the Essence.

Kit Realty Inc.

By Diane Macari
Diane Macari

Kam Gang Inc.

By Jung Yoo
Li Sung Yoo, Recs.

Exhibit B

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: COMMERCIAL PART 52

x

KIT REALTY INC.,

COMMERCIAL

Petitioner-Landlord,

Index No. 82603/18

-against-

VERIFIED ANSWER TO PETITION

KUM GANG INC.

138-18/38 Northern Boulevard

Flushing, NY 11354,

Respondent-Tenant,

"XYZ Corp.", "JOHN DOE" AND "JANE DOE",

Respondents- Undertenants.

x

Respondent-Tenant KUM GANG INC., answers the allegations of the numbered paragraphs of the Holdover Petition dated January 25, 2018 as follows:

1. Respondent- Tenant Kum Gang Inc. ("KGI") admits that Petitioner Kit Realty Inc. is the landlord of 138-18/38 Northern Boulevard, Flushing, NY 11354 ("the Premises").
2. Respondent-Tenant KGI admits that it is the Tenant at said Premises, but denies knowledge of the alleged undertenants.
3. Respondent-Tenant KGI admits that the Premises are properly described as 138-18/38 Northern Boulevard, Flushing, NY 11354, which is within the jurisdiction of the Civil Court of the City of New York, County of Queens.
4. Respondent-Tenant KGI denies the allegations of paragraph 4 of the Petition, to the effect that there are grounds for termination of the lease as enumerated in the Five (5) Day Notice of Termination.
5. Respondent- Tenant KGI denies the allegations of paragraph 5 of the Petition, to the effect that there are any valid grounds for termination of the lease.

6. Respondent-Tenant admits the allegations of paragraph 6 of the Petition, to the effect that the Premises are used exclusively for commercial purposes.
7. Respondent-Tenant admits that the Premises are not a multiple dwelling.
8. Respondent-Tenant denies the allegations set forth in paragraph 8 of the Petition.
9. Respondent-Tenant denies the allegations set forth in paragraph 9 of the Petition.

FIRST AFFIRMATIVE DEFENSE

The Petition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

All of the seven New York City Department of Health summonses listed in paragraph 43 of the Five(5) Days Notice of Termination attached to the Petition (see cover page of Notice attached hereto as **Exhibit A**) have been satisfied and paid for. Attached as **Exhibit B** in a Notice of Payment of \$4,099.60 for the seven listed summonses.

THIRD AFFIRMATIVE DEFENSE

The NYC Fire Department violations listed in paragraph 2 of the Five (5) Days Notice of Termination have either been satisfied, or they are erroneously listed on the Notice.

1. The first alleged violation (Number 01144123R) is incorrectly listed, since there is not, upon information and belief, any such violation against Tenant-Respondent.
2. The next four listed violation (Numbers 011455531R, 011455531R, 01145618J, and 011492563Y), which are attached hereto as **Exhibit C**, relate to "Certificates of Fitness and Certificates of Qualification," all of which the Tenant-Respondent have fully complied with. Attached as **Exhibit D** are the Certificates of Fitness and Qualifications issued to Respondent Tenant's employees Samuel Yoo and Hyung Chang Ha by the NYC Fire Dept.

3. The next violation three violations listed in the Five Day Notice (Numbers 011430753L, 011422707K, and 011404227M), attached hereto as **Exhibit E**, relates to the Posting of Permits and Record Keeping, which have been satisfied. Copies of various permits and records on display at the Premises are attached as **Exhibit F** hereto, although the relevant records are too voluminous to be included as Exhibits hereto, but are available for inspection by Petitioner and the Court.

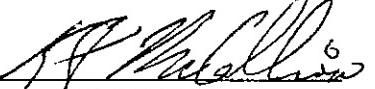
4. The next violation (Number 011431274Z), attached hereto as **Exhibit G**, relates to "Certificates of Fitness and Certificates of Qualification," which were satisfied (see **Exhibit D** above).

5. The next violation (Number 0001623299L) relates to "Inspection and Testing," a copy of which is attached hereto as **Exhibit H**. This is actually a violation of Petitioner; however, Tenant-Respondent has satisfied this violation (see **Exhibit F** above) and has all necessary inspection and testing certificates on-site. Tenant-Respondent is waiting for a NYC Fire Dept. inspector to visit the Premises and to clear all of these violations. The inspection is scheduled for May 4, 2018. See letter from VIP Fire Sprinklers Inc. dated Nov. 13, 2017, attached hereto as **Exhibit I**.

WHEREFORE, it is respectfully requested that the Petition be denied in all respects.

Dated: February 12, 2018

McCALLION & ASSOCIATES LLP


By: Kenneth F. McCallion
100 Park Avenue – 16th floor
New York, New York 10017
(646) 366-0884
Attorneys for Tenant-Respondent

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF QUEENS)

HYUNG CHAN HA, being duly sworn, states as follows:

1. I am the manager of Tenant-Respondent Kum Gang, Inc. and am fully familiar with this matter.
2. I have read the foregoing Answer to the petition and affirm that the contents thereof are true and correct, except as to matters alleged on information and belief, and as to those matters, I believe them to be correct.



HYUNG CHAN HA

NOTARY PUBLIC

Sworn to before me this
day of February 2018

State of New York County of Queens
Subscribed and sworn to (or affirmed) before me on this
12 day of February 2018 by
Hyung Chan Ha proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature 

JOHN HEUNG W. LAM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LA0062828
Qualified in Queens County
Commission Expires August 20, 2021

EXHIBIT A

FIVE (5) DAYS NOTICE OF TERMINATION

TO: KUM GANG INC.
138-18/38 Northern Boulevard
Flushing, NY 11354

SUBJECT PREMISES: 138-18/38 Northern Boulevard
Flushing, NY 11354

Additional copies sent by regular mail and certified mail to KUM GANG INC. at 945 Manhattan Ave., Brooklyn, NY 11222.

YOU ARE HEREBY NOTIFIED AND ADVISED that the landlord does hereby elect to terminate your tenancy of the above described premises now held by you under leasehold hiring. Unless you remove from the premises by January, 24th, 2018, the day on which your term expires pursuant to this Notice, the landlord will commence summary proceedings under the Statute to remove you from the premises for Holding Over after the expiration of your term. The reasons for the termination of your tenancy include, but are not limited to the following:

1. You have failed to correct and/or have the following violations removed in violation of Paragraph 6 of your lease, which requires you to be in compliance with any and all laws, rules and governmental orders.
2. The Fire Department of the City of New York has entered the following violations which to date have not been corrected. These violations include but are not limited to the following: ECB Violation #'s: 01144123R, 011455531R, 011455618J, 011492563Y, 011563570H, 011430753L, 011422707K, 011404227M, 011431274Z, 011623299L, 0193653451, 0193653460.
3. Additionally the New York City Department of Health issued the following summons numbered 0881000020, 0881000039, 0881000048, 0881000057, 0881000066, 0881000075, and 0881000084. A copy of the summons are attached.
4. You are in violation of your lease agreement in that your failure to comply with governmental directives has directly impacted the landlord's use of the subject premises and has subjected the Landlord to penalties and/or fines as a consequence of your breach of those governmental directives.
5. To date these violations still exist and have not been corrected.

PLEASE TAKE FURTHER NOTICE that termination of your tenancy is also based upon the fact that you have failed to comply with a Notice to Cure dated November 29th, 2017, which was served upon you by first-class mail and certified mail. (A copy of said Notice of Default is annexed hereto).

Dated: New York, New York

January 9th 2018

Kit Realty Inc., Landlord

By: Mary Raff
Mary Raff, Managing Agent

Any inquiries regarding this Notice should be addressed in writing to Horing Welikson & Rosen, P.C., 11 Hillside Avenue, Williston Park, New York 11596. HWR 720024

EXHIBIT B

Thank you for your payment.

Payment Amount: \$4,099.60
Receipt Number: CPY001244362
Transaction Date: 02/09/2018 2:13:34 PM
Payment Type: VISA ****2034

You will provisionally receive credit for making your payment on the date that you click the Process Payment button on this website. However, it may take up to two or more business days for your payment to be reflected on this website. Your payment will not be considered final until it is deemed settled by your financial institution. This means that if, for example, there is not enough money in your bank account or if your payment fails to settle, you will not receive credit for making your payment. Your bill will be reinstated, and you may be charged interest and penalties.

MAINTENANCE PROGRAM AND PLAN INCOMPLETE OR NOT ON 09/21/2017 KIT REALTY INC /LEWIS & MURPHY 0881000020	\$500.00
[REDACTED]	
ROUTINE MONIT NOT CONDUCT,DOC'D AT LEAST ONCE/WEEK 09/21/2017 KIT REALTY INC /LEWIS & MURPHY 0881000039	\$500.00
[REDACTED]	
COMPL INSPEC NOT CONDUCT,DOC'D ONCE EVERY 90 DAYS 09/21/2017 KIT REALTY INC /LEWIS & MURPHY 0881000048	\$500.00
[REDACTED]	
TWICE YEARLY OR OTHER REQUIRED CLEANING NOT CONDUC 09/21/2017 KIT REALTY INC /LEWIS & MURPHY 0881000057	\$500.00

NO RECORDS OF ALL CHEMICALS AND BIOCIDES ADDED 1ST \$500.00
09/21/2017
KIT REALTY INC /LEWIS & MURPHY
0881000066

FAIL TO COLLECT/ANALYZE/RECORD WEEKLY BIO PROCESS \$500.00
09/21/2017
KIT REALTY INC /LEWIS & MURPHY
0881000075

LEGIONELLA SAMP NOT COLLECT/ANALYZE/RESULTS NOT RE \$1,000.00
09/21/2017
KIT REALTY INC /LEWIS & MURPHY
0881000084

Item Total: \$4,000.00
Service Fee: \$99.60
Payment Amount: \$4,099.60

"New York Kimchi"

Ko-Am Food Corp
138-28 Northern Blvd
Flushing, NY 11354
T: 718-321-7171 F: 718-321-8397

EXHIBIT C



A FIRE DEPARTMENT OF NYC

Status ● DOCKETED

Issuing Agency

FIRE DEPARTMENT OF NYC

Notice of Violation Number

011456531R

Respondent Name

KUN GANG SAN RESTAURANT

Violation Details

Violation Date	10/28/2015
Status	DOCKETED
Compliance	PENALTY DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	12/14/2015
Scheduled Location	QUEENS
Docketed Date	03/31/2016

Plaintiff Information

Location	138-28 NORTHERN BLVD, FLUSHING, NY 11354
Borough/Block/Lot (BBL)	QUEENS / 05010 / 0028

Business Representatives

Relation	RESPONDENT
Name	KUN GANG SAN RESTAURANT
Address	N/A

Relation	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER
Name	KIT REALTY INC
Address	138-18 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354
Relation	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER
Name	KIT REALTY INC
Address	47 HILLSIDE AVE, MANHASSET, NEW YORK 110322228

Infraction Summary

Description	CERTIFICATE OF FITNESS AND CERTIFICATE OF QUALIFICATION
Stop Amount	\$0
Face Amount	\$1,875
Status	DEFAULT
Imposed Amount	\$5,000
Total	\$5,000.00
Paid	\$0.00
Balance Due	\$6000.00

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency

FIRE DEPARTMENT OF NYCNotice of Violation Number
011458618J

Respondent Name

KUN GANG SAN RESTAURANT**Violation Details**

Violation Date	08/16/2016
Status	DOCKETED
Compliance	PENALTY DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	01/10/2017
Scheduled Location	QUEENS
Docketed Date	05/31/2017

Premise Information

Location	138-28 NORTHERN BLVD, FLUSHING, NY, 11354
Borough/Block/lot (BL)	QUEENS / 05H10 / 0026

Business Representatives

Relation	RESPONDENT
Name	KUN GANG SAN RESTAURANT
Address	138-28 NORTHERN BLVD, FLUSHING, NEW YORK 11354

Relation	ATTORNEY
Name	MICHAEL
Address	270 NORTH AVE 811, NEW ROCHELE, NEW YORK 10801

Infraction Summary

Description	CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION		
Stop Amount	\$0	\$1,875	
Face Amount	\$1,875		DEFAULT
Status	\$5,000	\$500.00	
Imposed Amount	\$500.00	\$0.00	
Total	\$500.00	\$0.00	
Paid			
Balance Due			

NYC Business**A FIRE DEPARTMENT OF NYC**

Status: ● DOCKETED

Issuing Agency

FIRE DEPARTMENT OF NYC

Notice of Violation Number

014492637

Respondent Name

KUM GANG SAN RESTAURANT**Violation Details**

Violation Date 12/18/2016
 Status DOCKETED
 Compliance PENALTY DUE
 Disposition DEFAULTED
 Hearing Agency FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled 01/30/2017
 Scheduled Location QUEENS
 Docketed Date 05/31/2017

Premise Information

Location 138-28 NORTHERN BLVD, FLUSHING, NY 11354
 Borough/Block/Lot (BLB) QUEENS / 138-28 / 00228

Business Representatives

RESPONDENT
 Name KUM GANG SAN RESTAURANT
 Address 138-28 NORTHERN BLVD, FLUSHING, NEW YORK 11354
EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER
 Name KIT REALTY INC
 Address 138-18 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354
EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER
 Name KIT REALTY INC
 Address 47 HILLSIDE AVE, MANHASSET, NEW YORK 110302229

Infraction Summary

Description	CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION
Stop Amount	\$0
Face Amount	\$1,875
Status	DEFAULT
Imposed Amount	\$5,000
Total	\$5,000.00
Paid	\$0.00
Balance Due	\$5,000.00

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011563570HRespondent Name
KUN GANG SAN RESTAURANT**Violation Details**

Violation Date	03/09/2017
Status	DOCKETED
Compliance	PENALTY DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	05/15/2017
Scheduled Location	QUEENS
Docketed Date	04/01/2017

Premise Information

Location	138-28 NORTHERN BLVD., FLUSHING, NY, 11354
Borough/Section [Part]	QUEENS / 05010 / 0025

Business Representatives

Relation	RESPONDENT
Name	KUN GANG SAN RESTAURANT
Address	NA

Relation	EXTERNAL AGCY OWNER
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Name	KIT REALTY INC
Address	47 MILLSIDE AVE, MANHASSET, NEW YORK 11030-0229

Infraction Summary

Description	CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION		
Stop Amount	\$0		
Face Amount	\$1,875		
Status	DEFAULT		
Imposed Amount	\$5,000		
Total	\$50,000.00		
Paid	\$0.00		
Balance Due	\$50,000.00		

EXHIBIT D

HOME 52-32 LEITH PLACE
ADDR. LITTLE NECK, NY 11362 FDNY
EMPLOYEE
FEE \$ 15.00 CAT. F03 TYPE Fitness
DESC. INDOOR PLACE OF ASSEMBLY SAFETY PERSONNEL
A Year

EMPLOYER KUMGANG INC
WORK 138-28 NORTHERN BLVD
LOCATION QUEENS, NY 11354

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT# 89108518 N
ISSUED 04/17/2017 EXPIRES 04/10/2020

NAME SAMUEL YOO
HOME 52-32 LEITH PLACE NOT
ADDR. LITTLE NECK, NY 11362 FDNY
EMPLOYEE

FEE \$ 25.00 CAT. F07 TYPE FITNESS
DESC. FIRE AND EMERGENCY DRILL CONDUCTOR
A Year

EMPLOYER KUMGANG INC
WORK 138-28 NORTHERN BLVD
LOCATION QUEENS, NY 11354

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT# 87277646 R
ISSUED 04/17/2017 EXPIRES 04/07/2020

NAME SAMUEL YOO
HOME 52-32 LEITH PLACE NOT
ADDR. LITTLE NECK, NY 11362 FDNY
EMPLOYEE

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT #0737437 R
ISSUED 01/07/2017 EXPIRES 01/07/2020

NOT
HONEY
SWEET

新嘉坡總理司理事會
新嘉坡總理司理事會

www.ijerpi.org | 10

ISSUED BY NYC FIRE DEPT

N
EXPIRES 04/16/2020

NOT
FDNY
EMPLOYEE

FOR USE AS A
PLACE OF ASSEMBLY SAFETY PERSONNEL

INC
SOUTHERN BLVD
NEW YORK

ISSUED BY NYC FIRE C

N
EXPIRES 04/16/2020

NOT
FDNY
EMPLOYEE

CONDUCTOR

INC

EXHIBIT E

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status • DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYC

Notice of Violation Number
0114507531

Respondent Name
KUM GANG INC

Violation Details

Violation Date	01/03/2015
Status	DOCKETED
Compliance	PENALTY DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	02/23/2015
Scheduled Location	QUEENS
Docketed Date	08/20/2015

Premises Information

Location	138-28 NORTHERN BLVD, FLUSHING, NY, 11354
Borough/Block/Lot (BSL)	QUEENS / 160/10 / 0028

Business Representatives

Relationship	RESPONDENT	KUM GANG INC
Name	N/A	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Address	KIT REALTY INC	138-15 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354
Relationship	RELATOR	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Name	N/A	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Address	KIT REALTY INC	47 HILLSIDE AVE, MANHASSET, NEW YORK 110322229
Relationship	RELATOR	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Name	N/A	FPST
Address	138-28 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354	

Infraction Summary

Description	POSTING OF PERMITS AND RECORD KEEPING		
Violation	\$0	\$700	\$0
Stop Amount	\$0	DEFAULT	\$1,000
Status			GENERAL MAINTENANCE
Imposed Amount			\$0
Description			
Violation	\$0	\$750	\$0
Stop Amount	\$0	DEFAULT	\$1,000
Status			GENERAL MAINTENANCE
Imposed Amount			\$0

CERTIFICATE OF FITNESS AND CERTIFICATE OF QUALIFICATION

Description	
Stop Amount	\$0
Face Amount	\$750
Status	DEFAULT
Imposed Amount	\$1,000
Description	ELECTRICAL LIGHTNING-HAZARDS
Stop Amount	\$0
Face Amount	\$750
Status	DEFAULT
Imposed Amount	\$1,000
Total	\$4,000.00
Paid	\$0.00
Balance Due	\$4,000.00

NYC Business**FIRE DEPARTMENT OF NYC**Status: DOCKETEDHearing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
0114227/07KRespondent Name
KUN GANG INC**Violation Details**

Violation Date	02/08/2015
Status	DOCKETED
Compliance	BOTH DUE
Disposition	DEFAULTED
Hearing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	04/27/2015
Scheduled Location	QUEENS
Docketed Date	01/31/2015

Premise Information

Location	138-28 NORTHERN BLVD, FLUSHING, NY 11354
Borough/Block/Lot (BBL)	QUEENS / 105/103 / 0026

Business Representatives

Relation	RESPONDENT
Name	KUN GANG INC
Address	NA
Relation	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Name	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Address	KIT REALTY INC
Relation	138-13 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354
Name	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Address	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Relation	KIT REALTY INC
Name	47 HILLSIDE AVE, MANHASSET, NEW YORK 110302229
Address	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Relation	KIT REALTY INC
Name	138-28 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354
Address	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF

Infraction Summary

Description	Portable Fire Extinguishers and Fire Hoses
Stop Amount	\$0
Face Amount	\$200
Status	DEFAULT
Imposed Amount	\$1,300
Description	Posting of Permits and Record Keeping
Stop Amount	\$700
Face Amount	DEFAULT
Spikes	\$1,000
Imposed Amount	

INSPECTION AND TESTING

Description	
Slip Amount	\$0
Face Amount	\$600
Status	DEFAULT
Imposed Amount	\$1,000
Total	\$2000.00
Paid	\$0.00
Balance Due	\$2000.00

NYC Business**A FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYC

Notice of Violation Number
011404227M

Respondent Name
JANCHI JANCHI

Violation Details

Violation Date
02/12/2015
 Status
DOCKETED
 Compliance
BOTH DUE
 Disposition
DEFAULTED
 Issuing Agency
FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled
 Scheduled Location
 Docketed Date
**03/10/2015
 QUEENS
 07/31/2015**

Premise Information

Location
 Borough/Block/Lot (BL)
**138-18 NORTHERN BLVD, FLUSHING, NY, 11354
 QUEENS / 0810 / 0028**

Business Representatives

Relation	RESPONDENT
Name	JANCHI JANCHI
Address	138-18 NORTHERN BLVD, FLUSHING, NEW YORK 11354
Position	SELF
Name	JANCHI JANCHI
Address	138-20 NORTHERN BOULEVARD, QUEENS, NEW YORK 11354

Infraction Summary

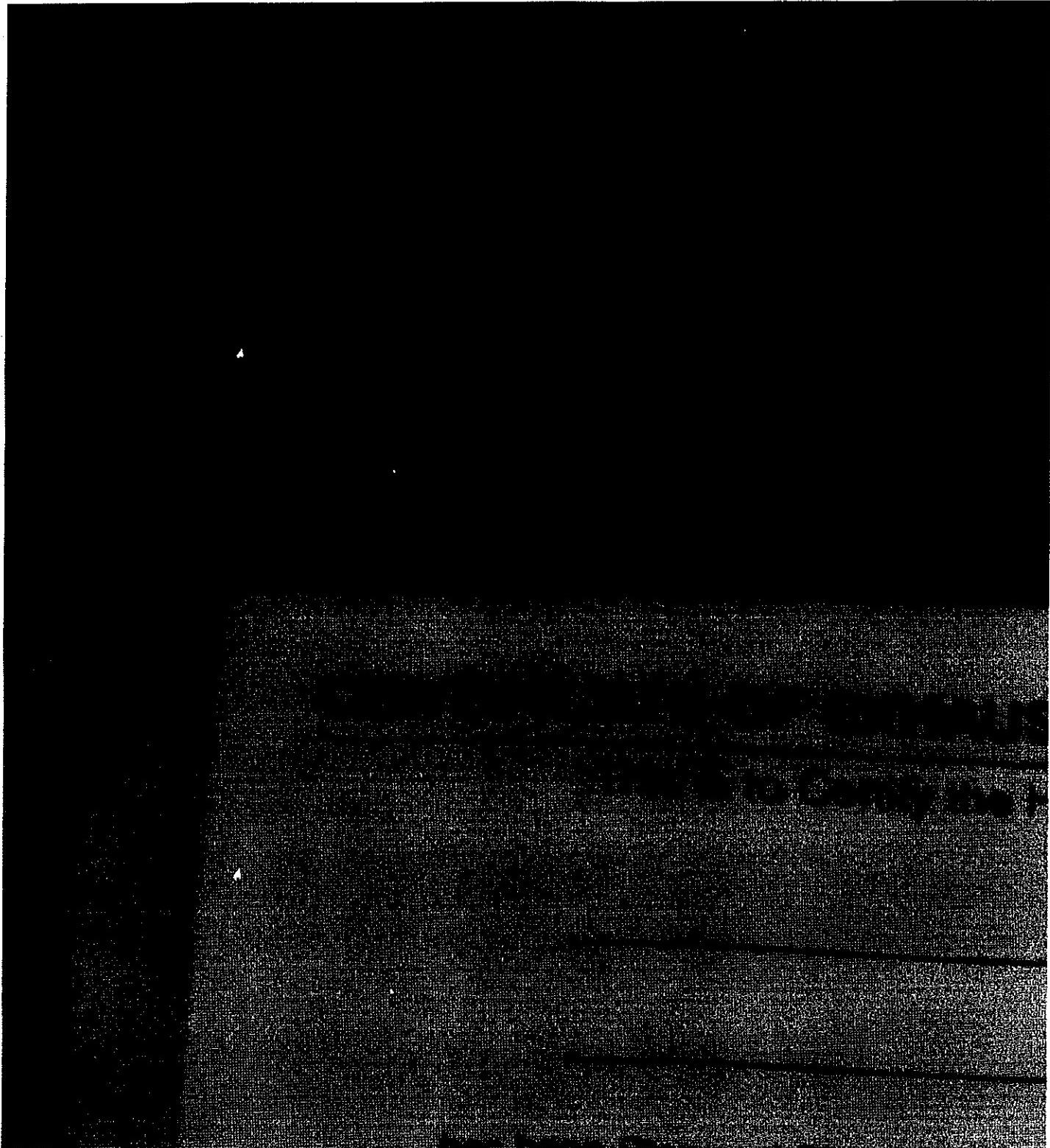
POSTING OF PERMITS AND RECORD KEEPING					
Description	Amount	Status	Description	Amount	Status
Stop Amount	\$0		Face Amount	\$700	DEFAULT
Face Amount			Status		
Status			Imposed Amount	\$1,900	
			Description		
			Stop Amount		
			Face Amount		
			Status		
			Imposed Amount		
Total			Total		
Paid			Paid		
Balance Due			Balance Due		

EXHIBIT F

100 SAN GABRIEL
SAN GABRIEL Boulevard
1300

Kenneth McCallion

From: [REDACTED]
Sent: Tuesday, April 18, 2017 5:27 PM
To: Kenneth McCallion
Subject: Hood clean for KGS





www.IBM.com • IBM.COM

116-01 14th Road

College Point, NY 11356

Tel: (718) 888-0148 • Fax: (718) 888-0144

COF # 84042482

NY FireTech Inc

40-50 192nd Street

Flushing, NY 11358

718-888-2999/2992 Fax # 718-888-2422

E-mail myfiretech@hotmail.com

Invoice

Date	Invoice #
1/6/2017	00444

BILL TO

07910
JAHNCHI JAHNCHI REST
 138-18 Northern Blvd
 QUEENS NY 11354

917-642-5757 MR. LEE

MR. LEE

LICENSE: NY 504-C/ NJ P01277

Quantity	Item Code	Description	Inspector	System	
			Z	PCL-300,PCL-160 KX1	
	Inspection	Semi-Annual Inspection. Sales Tax for NYC @8.875%	U/M	Price Each 101.03 8.875% 8.97	Amount 101.03 8.97
		Paid \$ _____			
		Sign: _____			
		Print: _____			
			Total		\$110.00

DIVISIONS <input checked="" type="checkbox"/> RESTAURANT <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL		<p style="text-align: center;">紐約第一爐頭公司</p> <p>NEW YORK FIRST HOOD SYSTEM COMPANY 38-22 147th Street, Apt 3E, Flushing, NY 11354 TEL: (718) 590-2278/406-1945</p>			GATE OF ORDER	AREA CODE	PHONE NUMBER		
					DATE OF SERVICE	TIME			
		S O L D	BUSINESS NAME <i>Kim Gang INC.</i>	MANAGERS NAME	TEL				
		T O	STREET ADDRESS 150-151 147 th Street	CITY FLUSHING	STATE NY	ZIP			
SERVICEMAN'S SIGNATURE		<i>Our Business Is To Keep You In Business</i>							
		CASH	CHARGE	TYPE OF SERVICE: DAY	NIGHT	EMERGENCY	ANNUAL	MONTHLY	WEEKLY
DESCRIPTION	UNIT	QTY	PRICE	DESCRIPTION		UNIT	QTY	PRICE	
1 FLUE EXHAUST SYSTEMS 煙道排氣系統	260			11 FRENCH FRYER 炸鍋		26			
2 HOOD 排油煙機	05			12 DISHWASHER 洗碗機		20			
3 FAN 送風扇	105			13 CHOPPING TABLE 切菜檯		20			
4 GREASE FILTER 過濾網	2			14 SINK 洗碗池		20			
5 DUCT 抽風管	50			15 FLOOR 地盤		60/4			
6 WOK 炒鍋	10			16 WALL 牆面		25/4			
7 STOVE 爐頭 (電)	25			17 MET.WOOD 鐵制木板		3			
8 GRILL 油網	25			18 PIPE 白鐵管 (粗)		20/4			
9 ROASTER OVEN 焗焗爐	60/26			19					
10 STEAM 蒸氣爐	25			20					
QTY.	DESCRIPTION OF PART			UNIT PRICE	SALES AMOUNT		AMOUNT		
							WASH LABOR ONLY		
							CHEMICAL		
							GAS & DIESEL		
							SUBLET REPAIRS		
							PARTS		
							TAX		
				SUB-TOTAL			TOTAL		
						PAY THIS AMOUNT ↑			
REMARKS									

PLEASE IDENTIFY YOUR PAYMENT WITH OUR INVOICE NUMBER

TERMS NET 30 DAYS 11% FINANCIAL CHARGE ON BALANCE OVER 30 DAYS 11% ANNUAL PERCENTAGE RATE

WHITE COPY OFFICE, YELLOW COPY CUSTOMER

CUSTOMER'S SIGNATURE

THIS IS YOUR INVOICE NO. STATEMENT WILL BE MAILED
KEEP THIS COPY FOR YOUR RECEIPT

ELEMENT CLEANING & SUPPLY INC.

Business Name	K. G. C. R.		Co. Name	Element Cleaning & Supply Inc.	
Address	134-28 P. D. M.		Technician	M	
City & State	NY 11354 Flushing		Signature		
Phone	718-461-0909		Address	22-02 128th St. College Point, NY 11356	
Contact Person	M. T.		COF #	84795459	
Phone	S.		Lic. #		
Website			Amount		
A. Are the Filters cleaned by your Company?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Sales Tax	Total:	
			If different, C of F #	of the persons who cleaned it.	
			Exp Date		
B. Are there filters missing / damaged?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, number of filters missing or damaged:		
C. Are the precipitators/pollution control devices cleaned by your company?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If different, C of F #	of the persons who cleaned it.	
			Exp Date		
D. Pre-Cleaning Checks			Comments		
1. Do Fan(s) operate?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unable to determine.		
2. What is the grease load in exhaust system?	<input type="checkbox"/> Light	<input checked="" type="checkbox"/> Med			
3. Have appliances been disconnected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			
4. Has building representative or Alamo Company been notified?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Name:	<input type="checkbox"/> Not Available	
5. Have all power sources for Kitchen Exhaust Fans been locked out and tagged out?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			
6. Schematic sketch/ drawings & cleaning operating instructions posted?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			
7. Describe the grease load under the protective hoods?	<input type="checkbox"/> Light	<input checked="" type="checkbox"/> Med			
8. Last quarterly service cleaning date?			CO. NAME	<input type="checkbox"/> Not Available	
E. Are the hood areas checked?	# Of hoods				
9. How many grease exhaust hoods are there & how many of them cleaned?	<input checked="" type="checkbox"/> Cleaned				
10. Were hood light(s) cleaned?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A		
11. Were exhaust fan(s) cleaned & hinged?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
12. Has exhaust fan louvers been cleaned & checked?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A		
13. Has exhaust fan belts & pulleys been inspected?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
14. Were grease trap(s) cleaned?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
15. Are there any visible grease leaks from the duct system?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Location		
16. Has horizontal duct(s) been cleaned?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, explain reasons on back of page in comments section.		
17. Has vertical duct(s) been cleaned?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, explain reasons on back of page in comments section.		
18. Are access panels provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	No. Of panels installed	Size of panels	
19. Do access panel have proper signage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
F. Post-Cleaning Checks					
20. Has technician left working area free of grease rags & debris?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			
21. Are there any inaccessible areas?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, explain reasons on back of page in comments section.		
22. Has compliance certificate been dated & placed on hood?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If No, Refer to additional post service report.		
23. Have appliance(s) been reconnected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A		
24. Any problems found?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If Yes, explain reasons on back of page in comments section.		
25. Are there any electrical wires in the hood ducts or fans?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, explain reasons on back of page in comments section.		
26. Has a photo been taken before & after?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A		
Owner representative name: (For the follow up letter)			Signature	Date: Feb 2016	

M - Mandatory. Any NO answer on M items requires immediate notification to the FDNY, Rangehood Unit.

N/A - Not applicable.

Note: A record of this service shall be maintained on premise and be made available for inspection by any member of the New York City Fire Department.

For any deficiencies described above, a follow-up letter will be sent to you listing any corrective action necessary. It is your



VIP Fire Sprinklers Inc.

700 Columbia Street, Bldg 301A, Brooklyn, N.Y. 11231
24 HR. SERVICE

(718) 500-5086

(718) 945-3315

Fax: (718) 945-3316

Email: vipsprinklers@aol.com

COMMERCIAL • RESIDENTIAL

Location:

Name:

Address:

City:

State:

ZIP:

Water Supply

1. Gravity Tanks (Yes or No) Full (Yes or No) Ice in Tanks (Yes or No)
 - * Condition (including supporting structure, hoops, ladders, trap doors, heating apparatus, tank drop wrapping) in order (Yes or No)
 2. Pressure Tanks (Yes or No) Water Level at Mark (Yes or No) Air Pressure lbs.
 - * Condition (including pressure gauges, water level glasses, tank house, heat for tank) in order (yes or No)
 3. City Water Main Direct Connections (Yes or No) Size Inch Pressure lbs.
 4. Pumps -- Fire Pumps (Yes or No) Fill Pumps (Yes or No) Air Compressor (Yes or No)
 - * Condition (including power, switches, gauges, relief valves, suction tanks) in order (Yes or No)
 5. Fire Department Connections in Order (Yes or No) Caps in Place (Yes or No) # of connections?
- Control Valves
6. All control valves open and accessible (Yes or No) Sealed (Yes or No)
 7. Drain Valves in order (Yes or No) Drains Discharge Safety (Yes or No)
 8. Dry Pipe Systems in order (Yes, No or None) Air Pressure lbs. Water Pressure lbs.
 - * Quick Opening Devices in Order (Yes, No or None)
 9. Deluge Valve in Order (Yes or No or None) Open Sprinkler Equipment in Order (Yes, No or None)
 10. Anti-Freeze for Unheated Sections in Order (Yes, No, or None) Date Solution Tested: _____
- Sprinkler Equipment Alarms
11. Local Tank Alarms in Order (Yes or No)
 12. Local Water Flow Alarm in Order (Yes or No) How Tested? _____
 13. Connected to Central Station or Fire Alarm Company (Yes or No) _____

MAINTENANCE, FIRES, IMPAIRMENTS, OBSTRUCTIONS

14. Painted, Corroded, Dirty, Sprinklers (Yes or No) If yes, state where below
15. Any changes to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
16. Any fires or impairments to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
17. Any obstructions due to partitions, shelving, decks, and platform stock racks, fixtures, etc? (Yes or No) If no, explain below
18. All signs in place? (Yes or No) If no, explain below
19. Remarks: _____

Date of Inspection:

Time:

Signature of Inspector:

Customer Signature:

VISUAL INSPECTION ONLY

INSPECTIONS • VIOLATIONS • CORRECTIONS • DRILLS • TESTS • RUSTAL • SPRINKLERS • REPAIRS



VIP Fire Sprinklers Inc.

700 Columbia Street, Bldg 301A, Brooklyn, N.Y. 11231
24 HR. SERVICE

(718) 506-5086
(718) 945-3316
Fax: (718) 945-3316
Email: vipfiresprinklers@aol.com

COMMERCIAL • RESIDENTIAL

Location:

Name:

Address:

City:

State: ZIP:

Water Supply

1. Gravity Tanks (Yes or No) Full (Yes or No) Ice in Tanks (Yes or No)
 - * Condition (including supporting structure, hoops, ladders, trap doors, heating apparatus, tank drop wrapping) in order (Yes or No)
2. Pressure Tanks (Yes or No) Water Level at Mark (Yes or No) Air Pressure lbs.
 - * Condition (including pressure gauges, water level glasses, tank house, heat for tank) in order (Yes or No)
3. City Water Main Direct Connect' ns (Yes or No) Size Inch Pressure lbs.
4. Pumps - Fire Pumps (Yes or No) Fill Pumps (Yes or No) Air Compressor (Yes or No)
 - * Condition (including power, switches, gauges, relief valves, suction tanks) in order (Yes or No)
5. Fire Department Connections in Order (Yes or No) Caps in Place (Yes or No) # of connections?

Control Valves

6. All control valves open and accessible (Yes or No) Sealed (Yes or No)
7. Drain Valves in order (Yes or No) Drains Discharge Safety (Yes or No)
8. Dry Pipe Systems in order (Yes, No or none) Air Pressure lbs. Water Pressure lbs.
 - * Quick Opening Devices in Order (Yes, No or None)
9. Deluge Valve in Order (Yes or No or None) Open Sprinkler Equipment in Order (Yes, No or None)
10. Anti-Freeze for Laminated Sections in Order (Yes, No or None) Date Solution Tested: _____

Sprinkler Equipment Alarms

11. Local Tank Alarms in Order (Yes or No)
12. Local Water Flow Alarm in Order (Yes or No) How Tested? _____
13. Connected to Central Station or Fire Alarm Company (Yes or No) _____

MAINTENANCE, FIRES, IMPAIRMENTS, OBSTRUCTIONS

14. Painted, Corroded, Dirty, Sprinklers (Yes or No) If yes, state where below
15. Any changes to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
16. Any Fires or Impairments to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
17. Any obstructions due to partitions, shelving, decks, and platform stock racks; fixtures, etc? (Yes or No) If no, explain below
18. All signs in place? (Yes or No) If no, explain below
19. Remarks: _____

Date of Inspection:

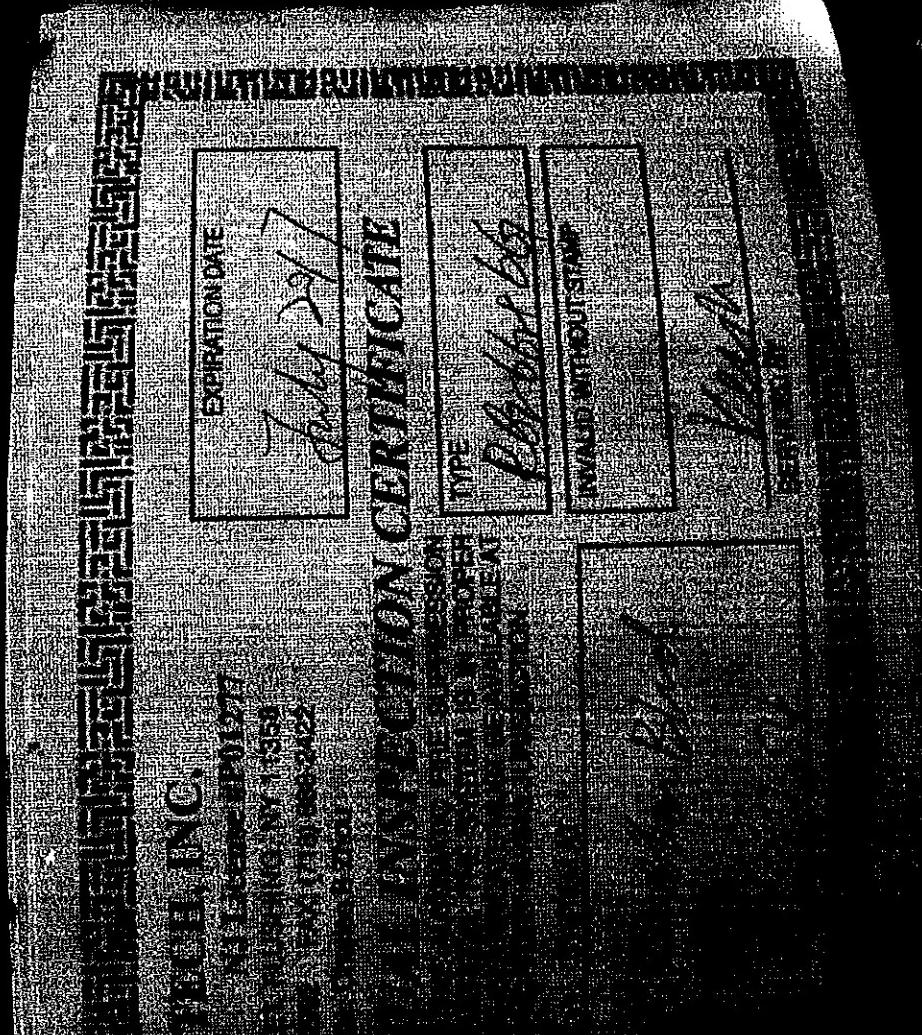
Time:

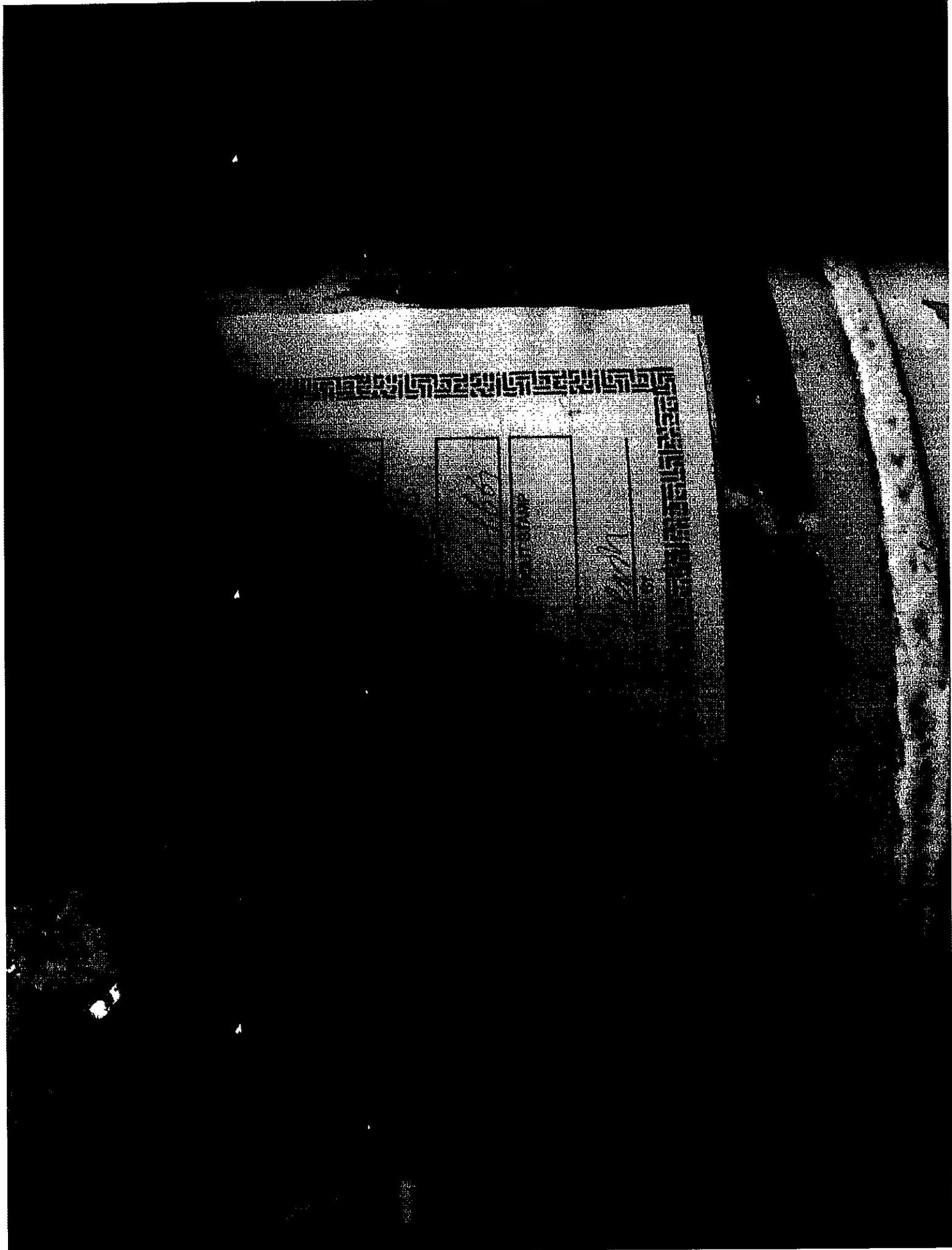
Signature of Inspector:

Customer Signature:

MATTHEW R. PETRONIS
B&G CERT. #102018

VISUAL INSPECTION ONLY





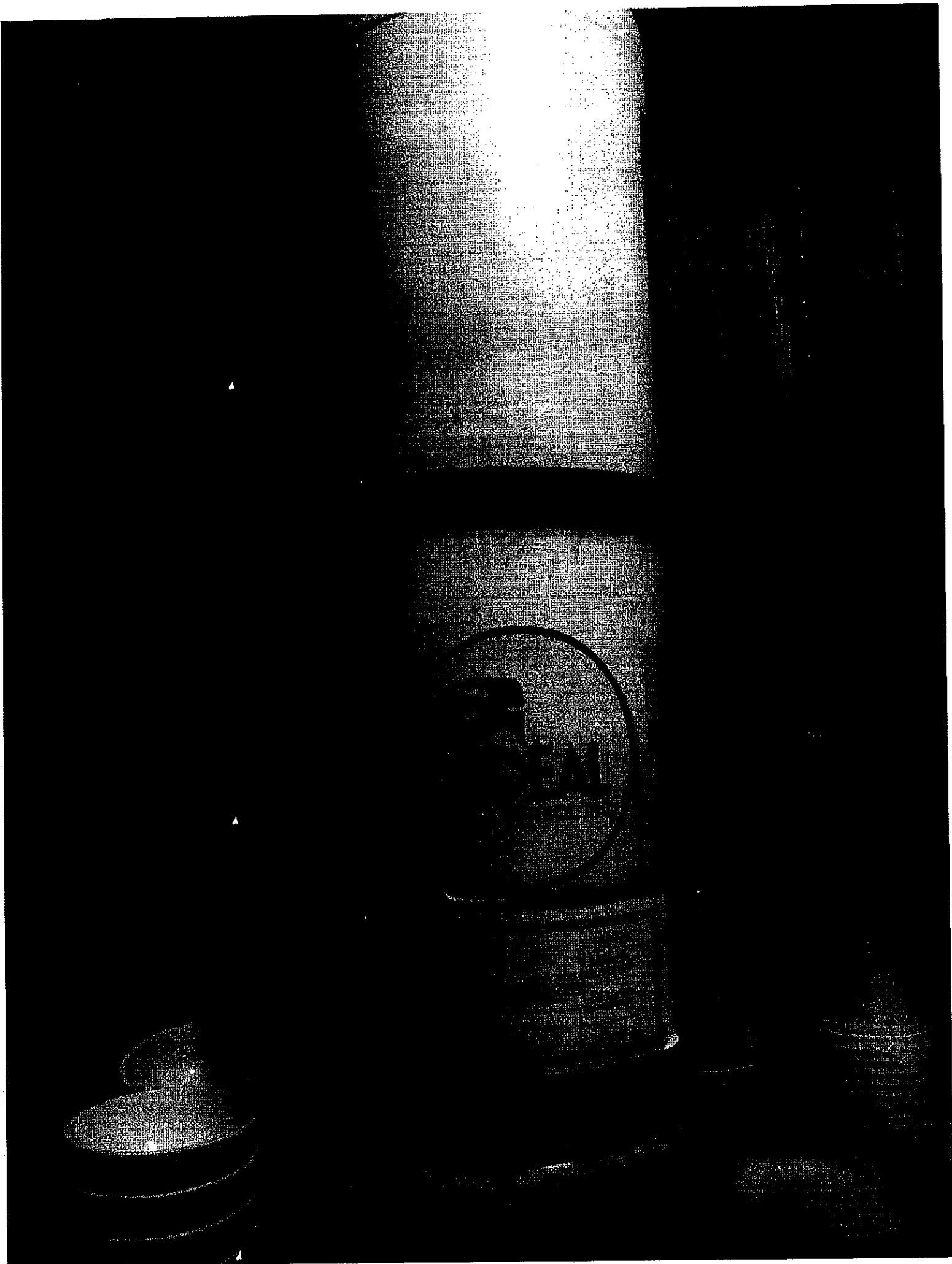


EXHIBIT G

NYC Business**A FIRE DEPARTMENT OF NYC**

Status • DOCKETED

Issuing Agency

FIRE DEPARTMENT OF NYC

Notice of Violation Number

0114312742

Respondent Name

KUM GANG INC

Violation Details

Violation Date	04/18/2015
Status	DOCKETED
Compliance	PENALTY DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled Date	10/05/2015
Scheduled Location	QUEENS
Docketed Date	01/31/2016

Premise Information

Location	138-28 NORTHERN BLVD, FLUSHING, NY, 11354 QUEENS / 05010 / 0028
----------	--

Business Representatives

Relation	RESPONDENT
Name	KUM GANG INC
Address	138-28 NORTHERN BLVD, FLUSHING, NEW YORK 11354
Relation	SELF
Name	KUM GANG INC, C O J SUNG YOO
Address	138-28 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Infraction Summary

CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION	
Description	\$0
Skip Amount	\$750
Face Amount	DEFAULT
Status	\$1,000
Imposed Amount	\$1,000.00
Total	\$0.00
Paid	\$1000.00
Balance Due	

EXHIBIT H

NYC Business**A. FIRE DEPARTMENT OF NYC**Status: RESCHEDULEDIssuing Agency/
FIRE DEPARTMENT OF NYCNotice of Violation Number:
011623288LRespondent Name:
KIT RLTY INC**Violation Details**

Violation Date	07/21/2017
Status	RESCHEDULED
Compliance	BOTH DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	03/29/2018
Actualized Location	LONG ISLA
Canceled	YES

Premises Information

Location	138-25 NORTHERN BLVD, FLUSHING, NY 11354
Borough/Boro/Lot (BBL)	QUEENS/05010/0002

Business Representatives

Relationship	RESPONDENT
Name	KIT RLTY INC
Address	95-40 ROOSEVELT AVE, JACKSON HEIGHTS, NEW YORK 11372
Relationship	REPRESENTATIVE
Name	KIT REALTY, INC.
Address	138-25 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Infraction Summary

Description	INSPECTION AND TESTING
Stop Amount	\$0
Face Amount	\$600
Status	DEFAULT
Imposed Amount	\$1,300
Total	\$1,000.00
Paid	\$0.00
Balance Due	\$1,000.00

EXHIBIT I

02/09/2018 14:17 17183212575

KUMGANGSAN

PAGE 01

VIP Fire Sprinklers Inc.

700 Columbia Street, Bldg 301A, Brooklyn, N.Y. 11231

(718) 536-5086
(718) 945-3315

Fax: (718) 945-3316

e-mail: vipfiresprinkler@aol.com

COMMERCIAL - RESIDENTIAL

Fire Department City of New York
Bureau of Fire Prevention
Enforcement Unit
9 Metro Tech East
Brooklyn, NY 11201-3857

November 13, 2017

RE: 138-28 Northern Blvd, Queens
Violation # 11623299L
Account # 00646268
Clerk ID # R042P
Rules Covered 20
(1) FD Sprinkler Connection

To Whom This May Concern:

Please be advised that we contacted the N.Y. Fire Department
And they assigned 05/4/18 as the TEST DATE AND
INSPECTION.

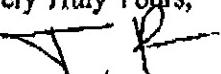
Such tests are to be arranged for and conducted by us and at the owners
Risk in the presence of Fire Prevention.

All care will be taken to perform said test. If any parts prove defective as results
Of the test there will be an additional charge to replace defective parts and for re-test.
VIP will be happy to assist you, but be advised that it is ultimately your responsibility to
correctly complete the Certificate of Correction.

Hoping you will make this letter a part of your records and send this copy
To the Enforcement Unit with any other statements required by your office at once.

PLEASE HAVE SOMEONE TO OPEN BUILDING @ 8:30AM-4:00PM

Very Truly Yours,



Thomas Petronis
President
VIP Fire Sprinklers, Inc.

- Your firm is to pay all New York Fire Department testing fees as invoiced
by the E.C.B. Unit
- Please sign & Fax back:

Accepted By



General
Manager

Date 11-14-2017

FIVE (5) DAYS NOTICE OF TERMINATION

TO: KUM GANG INC.
138-18/38 Northern Boulevard
Flushing, NY 11354

SUBJECT PREMISES: 138-18/38 Northern Boulevard
Flushing, NY 11354

Additional copies sent by regular mail and certified mail to **KUM GANG INC.**, at 945 Manhattan Ave., Brooklyn, NY 11222.

YOU ARE HEREBY NOTIFIED AND ADVISED that the landlord does hereby elect to terminate your tenancy of the above described premises now held by you under leasehold hiring. Unless you remove from the premises by December 2019, the day on which your term expires pursuant to this Notice, the landlord will commence summary proceedings under the Statute to remove you from the premises for Holding Over after the expiration of your term. The reasons for the termination of your tenancy include, but are not limited to the following:

1. You have failed to correct and/or have the following violations removed in violation of Paragraph 6 of your lease, which requires you to be in compliance with any and all laws, rules and governmental orders.
2. The Fire Department of the City of New York has entered the following violations which to date have not been corrected. These violations include but are not limited to the following: ECB Violation #'s: 01144123R, 01145561R, 01145561S, 011492563Y, 011563570H, 011430753L, 011422707K, 011404227M, 011431274Z, 011623299L, 019365345I, 019365346J.
3. Additionally the New York City Department of Health issued the following summons numbered 0881000020, 0881000039, 0881000048, 0881000057, 0881000066, 0881000075, and 0881000084. A copy of the summons are attached.
4. You are in violation of your lease agreement in that your failure to comply with governmental directives has directly impacted the landlord's use of the subject premises and has subjected the Landlord to penalties and/or fines as a consequence of your breach of those governmental directives.
5. To date these violations still exist and have not been corrected.

Exhibit C

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: COMMERCIAL PART 52

x

KIT REALTY INC.,

Petitioner-Landlord,

-against-

KUM GANG INC.

138-18/38 Northern Boulevard
Flushing, NY 11354,

Respondent-Tenant,

"XYZ Corp.", "JOHN DOE" AND "JANE DOE",

Respondents- Undertenants.

COMMERCIAL

Index No. 52603/18

**AFFIRMATION OF
KENNETH F. McCALLION**

x

KENNETH F. McCALLION, an attorney duly admitted to the practice of law in the State of New York, affirms as follows under penalties of perjury:

1. I am the principal attorney with the law firm of McCallion & Associates LLP, attorneys for the Respondent-Tenant Kum Gang Inc. in the above-captioned matter. I submit this affirmation in opposition to the Petitioner's claim that the Respondent-Tenant has violated the terms of its lease.

2. ON February 27, 2018, I caused to be hand delivered to the New York City Fire Department (F.D.N.Y.) the attached cover letter, attached hereto as Exhibit 1, and the accompanying Certificate of Correction, notarized on February 27, 2018 by Un Cha Kim, the manager of Respondent-Tenant, along with evidence and supporting documentation establishing that Respondent-Tenant has corrected each and every violation relating the subject Premises.

3. Upon information and belief, the F.D.N.Y. is reviewing the attached Certificate of Correction and attachments thereto, and will then notify the undersigned counsel, either

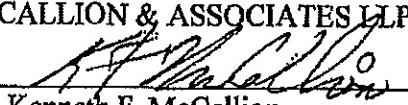
confirming that the F.D.N.Y. agrees that all violations have been corrected, or asking for further information regarding said corrected violations.

4. The Respondent-Tenant and its counsel shall inform the Petitioner-Landlord and this Court once it receives a response from the F.D.N.Y. regarding this matter.

WHEREFORE, it is respectfully requested that the Petition be denied in all respects.

Dated: March 21, 2018

McCALLION & ASSOCIATES LLP


Kenneth F. McCallion
Attorneys for Respondent-Tenant
100 Park Avenue - 16th floor
New York, New York 10017
(646) 366-0884

McCallion & Associates, LLP

100 Park Avenue, 16th Floor,
New York, New York 10017
Telephone: 646-366-0884
www.mccallionlaw.com
kfm@mccallionlaw.com.

February 27, 2018

F.D.N.Y.
Bureau of Legal Affairs
Administrative Enforcement Unit
9 Metro Tech Center
Brooklyn, NY 11201-3857

Re: Kum Gang San Inc.
138-28 Northern Boulevard
Flushing, NY 11354

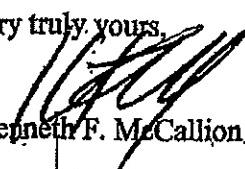
Dear Staff Member:

We are the attorney's for the above mentioned restaurant. Attached please find several notarized Certificate of Correction, a copy of the Notice of Violation and all supporting documents pertaining to each violation mentioned below:

011430753L, 011422707K, 011404227M, 011431274Z, 011441236R, 011455531R,
011455618J, 011492563Y, 011563570H, 011623299L

If there is anything missing in this packet that would not satisfy the violation please feel free to call me at 646-366-0884.

Very truly yours,


Kenneth F. McCallion

Exh. "A"

Exhibit D

A.G.R.E.E.M.E.N.T.

This Agreement is made on July 30, 2019 between Kum Gang Inc. hereinafter referred as (KGI) with address at 945 Manhattan Avenue, Brooklyn, NY, and FUNDPRO Inc, hereinafter referred as (FUNDPRO) with address at 61 South Shore Drive, South Amboy, NJ.

KGI has the intention to sell its full lease right which it owns at 138-18/32 Northern Blvd., Flushing, NY 11354.

KGI's lease right is evidenced by a lease agreement executed by KGI and its Landlord Kit realty Inc. on June 16, 2004 with expiration on June 30, 2024.

KGI herewith agrees to engage FUNDPRO to sell the lease right to SMI/DP Plus Property, or any other buyers that introduced by FUNDPRO.

KGI agrees to pay FUNDPRO, without any deduction or withholding, a fee of One Million US Dollars (\$1,000,000) for its service and effort if the sales price is \$4,000,000.
KGI will pay \$3,000,000 (Three Millions Dollars), otherwise, 25% Fee to Fundpro.
KGI will pay FUNDPRO that service fee immediately upon the date it receives proceeds from sale of lease right by buyer(s) introduced by FUNDPRO. The \$4 million

All Parties agree to the above terms by signing as below:

Kam Gang Inc.

Ji Sung Yoo, President

FUNDPRO Inc.

Jerry D. H. Li, President

MING KWONG CHOW
NOTARY PUBLIC, State of New York
No. 01CH5052376
Qualified in Kings County
Commission Expires Nov. 20. 2021

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